THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.6960 of 2007

Date : 18-9-2007

Between :

N.Hemarathnam .. Petitioner

And

The District Collector,
Chittoor and others .. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No.6960 of 2007

ORDER:

1. This Court issued *rule nisi* on 5-4-2007 and notice was ordered.

2. Respondents filed counter affidavit.

3. Heard the Counsel on record.

4. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 3rd respondent in not releasing the essential commodities and the action of the 1st respondent in not considering the representation of the provided 11-12-2006 as illegal, arbitrary and consequently to direct the respondents to release the essential commodities for distribution to the card holders of Buttireddy Kandiriga village, Vadamalapet Mandal, Chittoor District and to pass such other suitable orders.

5. It is stated that pursuant to the notification

issued on 6-3-1999 by the Revenue Divisional Officer, Chittoor inviting applications for appointment of Fair Price Shop dealer of Buttireddy Kandiriga village, Vadamalapet Mandal, Chittoor District, the petitioner and another had applied for the same. The Revenue Divisional Officer after conducting the interview was pleased to appoint the petitioner as a Fair Price Shop dealer vide proceedings in D.Dis.(B)/696/99 dated 22-3-1999 and ever since the date of appointment the petitioner had been distributing the essential commodities to the satisfaction of all the card holders. It is further stated that in the month of June 2006 there were elections to local bodies and on the ground that the petitioner had not supported the candidature of the Sarpanch and MPTC Member, the Mandal Revenue Inspector had taken the signatures of the petitioner on white papers and thereafter for the subsequent month the petitioner was not allotted the essential commodities for distribution to the card holders. On enquiry with the Mandal Revenue Officer, the petitioner was informed that he was under the impression that he was not well and in this regard the petitioner had submitted a letter and that is the reason the essential commodities were not given. It is further stated that thereafter the petitioner made a representation to the District Collector on 11-12-2006 informing the same and requested him to take necessary

action in the matter. Though the said representation had been received, the 1st respondent had not initiated any action and thereby the petitioner had been deprived of his authorization of Fair Price Shop dealership. It is also further stated that the petitioner was appointed as a Fair Price Shop dealer in the year 1999 after due selection and he had been distributing the essential commodities to the satisfaction of the card holders. It is also further stated that the petitioner had had not submitted any resignation nor had he given any letter stating that he was not keeping good health and requesting for grant of leave. The circumstances under which the alleged letter was received in the office of the Mandal Revenue Officer was explained in detail to the 1st respondent who in turn ought to have directed the respondents 2 and 3 to cause an enquiry and to take necessary action in the matter and hence the inaction on the part of the respondents 1 and 2 is not legal and valid. It is also further stated that the action of the respondents 1 and 2 in not taking any action is not legal and valid. It is also further stated that the authorization that had been granted in favour of the petitioner is still in force and he had not received any orders stating that the authorization had been cancelled nor he had received any communication from the office of

the 3rd respondent. In such circumstances, the petitioner approached this Court praying for the relief specified supra.

6. In the counter affidavit filed it is stated that one N.Hemarathnam s/o. Ranganatham of Buttireddikandiriga village had tendered resignation to the dealership of Buttireddikandiriga due to health and financial problem on 3-9-2006. On account of resignation, the Mandal Revenue Officer, Vadamalapet had made interim arrangements by attaching the Buttireddikandiriga Fair Price Shop to Smt.R.Harilakshmi, Fair Price Shop Dealer of Balinaidu Kandiriga to avoid inconvenience to the card holders vide proceedings B/10/06 dated 24-9-2006. The Tahsildar, Vadamalapet had submitted proposals to the Revenue Divisional Officer, Chittoor to accept the resignation and to ratify the action of the Mandal Revenue Officer in having attached the Fair Price Shop of Buttireddikandiriga to Balinaidu Kandriga in Mandal Revenue Officer's Lr.No.B/10/06 dated 27-10-2006. The Revenue Divisional Officer, Chittoor had issued orders duly accepting the resignation and ratified the action of the Mandal Revenue Officer vide proceedings B/2477/06 dated 30-10-2006. Subsequently, the incharge dealer had expressed her inability to lift the essential

commodities of Buttireddikandiriga and that one Smt.Padmavathi w/o. P.Bhaskar Reddy, a credible dealer, had been appointed on temporary basis to lift the essential commodities and to distribute to the card holders of Buttireddikandiriga Fair Price Shop vide Mandal Revenue Officer's proceedings B/503/06 dated 25-11-2006. On knowing the same, N.Hemarathnam had submitted a grievance cell petition to the District Collector, Chittoor on 11-12-2006 to reappoint him as Fair Price Shop Dealer of Buttireddikandiriga, but the resignation of the said N.Hemarathnam had already been accepted. The requisition of reappointment of the same dealer does not arise and that a report to that effect had been submitted to the District Collector, Chittoor Lr.No.Roc.B/503/06 dated 21-12-2006. Subsequently the present Writ Petition had been filed. It is also further stated that the averments mentioned in paras 3 to 6 of the affidavit filed in support of the Writ Petition are false and baseless. The averment that the Mandal Revenue Inspector had taken the signature on white paper is not correct. Actually the writ petitioner himself submitted a representation to the Mandal Revenue Officer, Vadamalapeta duly tendering resignation to the dealership of Buttireddikandiriga due to health and financial problems on 3-9-2006 and the same was sent to

Revenue Divisional Officer on 27-10-2006 and the same was accepted by the Revenue Divisional Officer on 30-10-2006 and the adjacent dealer of Balinaidu Kandiriga village had been kept incharge to distribute the essential commodities to avoid inconvenience to the card holders of Buttireddikandiriga Fair Price Shop. The petitioner kept silent for more than three months and submitted a representation to the 1st respondent on 11-12-2006 to take necessary action. The 1st respondent referred the matter to the Mandal Revenue Officer on 18-12-2006 to enquire into the allegation made by the petitioner. It is specifically stated that the writ petitioner himself voluntarily tendered resignation to his dealership on 3-9-2006 and the same had been accepted by the Revenue Divisional Officer, Chittoor. The petitioner has no valid grounds to continue or to reappoint him as Fair Price Shop Dealer of Buttireddikandiriga and the petitioner cannot contend that he has to be reappointed. It is also further stated that the writ petitioner had not submitted any representation to the Mandal Revenue Officer, Vadamalapet, but he had submitted his representation to the District Collector, Chittoor on 11-12-2006 that too after a lapse of more than three months from the date of resignation and for this also the Mandal Revenue Officer, Vadamalapeta had

submitted a report to the 1st respondent in the reference No.Roc.B/503/06 dated 21-12-2006. It is reiterated that the writ petitioner himself tendered the resignation for his dealership and more over the same had been accepted by the Revenue Divisional Officer, Chittoor who is the competent authority and hence the petitioner cannot make untenable allegations without any basis. The writ petitioner has no valid grounds for consideration as he had suppressed all the facts specified supra and filed the present Writ Petition.

7. Certain submissions were advanced before this Court that at least the representation dated 11-12-2006 may be considered.

8. In the light of the specific stand taken in the counter affidavit that the writ petitioner himself had tendered his resignation for the Fair Price Shop Dealership and the same had been accepted by the Revenue Divisional Officer, the competent authority, this Court is of the considered opinion that directing the respondents to dispose of the representation would be a futile exercise. In the light of the same, the Writ Petition is hereby dismissed. No order as to costs.

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Justice P.S.Narayana

Date : 18-9-2007

L.R. copy to be marked : YES / NO
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